

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

MARK BROCKER)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. 11CV01180
)	
)	
JACKSON COUNTY, MISSOURI)	
)	
Defendant.)	

MOTION TO REMAND CASE TO STATE COURT

COMES NOW the Defendant, Jackson County, Missouri, by and through attorney of record Tracey Chappell, Assistant County Counselor and request an of this Court to remand this case to State Court and states as follows:

1. That on or about 14th day of February 2011 Plaintiff filed a Petition for Damages against the Defendant.
2. Said Petition was filed in the 16th Judicial Circuit Court of Jackson County, Missouri under case number 1116CV04599.
3. On the 17th day of May 2011, Plaintiff filed an amendment to his Petition.
4. On November 17, 2011, Defendant was served with the Amended Petition.
5. On or about the 22nd day of November 2011, Defendant filed the Notice of Removal with this Court based upon diversity of citizenship.
6. Defendant had communication with the Plaintiff concerning the removal of this case to the District Court.

7. Under 28 U.S.C. §1445 C “[a] civil action in any State Court arising under the worker’s compensation laws of such State may not be removed to any District Court of the United States.” 28 U.S.C. § 1445 C (2009).
8. Plaintiff claims that he made a retaliatory discharge claim based upon his client being discharged after filing a claim for worker’s compensation.
9. Based upon the Plaintiff’s claim, Defendant has agreed to remand the case back to State Court.

WHEREFORE based only upon 28 U.S.C 1445 (c), Defendant request an order of this Court to remand the matter back to the State Court and for any further orders that this Court deems just and appropriate in the circumstances.

Respectfully submitted,

County Counselor’s Office

/s/Tracey Chappell
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion to Remand to State Court was mailed on the 5th day of December 2011 by U.S mail to:

Andrew Schendel
Attorney at Law
Castle Law Office of Kansas City, P.C.
811 Grand Blvd., Suite 101
Kansas City, Missouri 64106

/s/Tracey Chappell
Tracey Chappell